



Trinity Multi Academy Trust

<b>Policy:</b>	Attendance Management Policy
<b>Date or review:</b>	March 2016
<b>Date of next review:</b>	March 2019
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Non-Statutory

## 1. Purpose of policy and guiding principles

- 1.1. Trinity Multi Academy Trust is committed to providing a positive and healthy working environment for all staff. A positive and consistent approach to management of attendance can help reduce absence rates, lessen the impact of sickness absence on other staff; maintain continuity in the academy and assist with those who are absent due to sickness to make a successful return to work.
- 1.2. All members of staff have a responsibility to look after their own health and the Principal and Governors have responsibilities towards the health and safety of the workforce, including maintaining a healthy working environment.
- 1.3. Managing sickness absence and ill-health will be dealt with in a non-discriminatory manner and in accordance with the trust's Equality Policy.
- 1.4. Throughout this policy and framework the Directors, Governors and Senior Leaders of the trust aim to:
  - support staff in managing their health and well-being
  - proactively manage staff illness or health concerns
  - provide support during periods of sickness absence
  - make reasonable adjustments to the policy and procedure, as appropriate, to take account of a staff members disability in accordance with the Equalities Act and any related codes of practice
  - outline the processes used to manage situations where an individual's health prevents them from fulfilling their job role
- 1.5. Any abuse of the attendance policy or procedures or sick pay schemes will be dealt with under the staff disciplinary policy.
- 1.6. All staff will be given access to the attendance management policy through the staff handbook and HR inductions will be made aware of the notifying procedures.
- 1.7. Within the policy the trust reserves the right to request that the employee provides a medical certificate. Where this is requested by the trust, the relevant academy will reimburse the employee for the cost of this certificate.
- 1.8. This policy refers to 'line manager'. That may be the employee's direct line manager, department manager or other appropriate named leader or manager. (Including a Senior Leader).
- 1.9. All employees have a right to be accompanied at absence review meetings, occupational health meetings and represented at formal hearings by an appropriate Trade Union representative or work colleague.

## 2. Links with other policies or legislation

- 2.1. This policy links with terms and conditions of employment for all staff.
- 2.2. Trinity Multi Academy Trust will treat all employees equally and consistently when dealing with illness absence and in accordance with the trust's Equality Policy.
- 2.3. This policy links with the Equality Act 2010, specifically the employer's responsibility to make reasonable adjustments for staff who are considered to have a disability, as defined by the Act.

## 3. Consultation

- 3.1. This policy has been developed by the trust in consultation with recognised Trade Unions.
- 3.2. The policy was approved by the Board of Directors after consultation and agreement with the recognised Trade Unions.

## 4. Provisions

- 4.1. Notifying the academy of absence
  - 4.1.1. **Appendix 1** outlines the procedures for notifying each academy of absence from work. This may be due to sickness or some other personal reason. It is the responsibility of

## Empathy, Honesty, Respect, Responsibility

each member of staff to ensure that they comply with these arrangements when absent from work.

- 4.1.2. Failure to comply with these arrangements for informing an academy of absence may result in possible loss of pay and/or disciplinary action.
- 4.1.3. In the event of a member of 'All Year Round' staff having an illness/accident that meant that they would have been unable to attend work during their planned annual leave, the member of staff must notify their line manager on the first day of the illness occurring. A medical certificate or letter from the treating doctor is required to cover all sickness absence claimed while on annual leave.
- 4.1.4. Whenever possible, and at all stages in this process of absence reporting, teaching staff should provide appropriate cover work, suitable for their classes.

### 4.2. Certification

- 4.2.1. Every sickness absence has to be certified to ensure prompt and correct payment of contractual and statutory sick pay, and to ensure that accurate records are maintained. Failure to comply with the certification procedures may result in loss of sick pay. Misleading or false statements may be dealt with under the disciplinary procedure.
- 4.2.2. Members of staff must complete a Self-Certification Form for all sickness absences of any duration prior to submitting a medical certificate. Please refer to Section 5 – Return to Work meetings.
- 4.2.3. A member of staff whose sickness absence extends beyond seven calendar days (including Saturdays and Sundays) must obtain, on the eighth day of absence, a medical certificate from their doctor stating that they are unfit for work due to sickness, and submit the certificate as soon as possible. This medical certificate must cover the period from the eighth day of absence onwards. Further medical certificates must be submitted as necessary for continuing sickness absence.
- 4.2.4. Where there is continuing sickness absence, the employee must submit consecutive medical certificates to cover the whole period of non-attendance.
- 4.2.5. Exceptionally, if there are concerns about the frequency of a member of staff's sickness absence, or their account of their reasons for absence, the employee may be required to submit doctor's medical certificates, rather than self-certificates, from their first day of absence. In such cases the relevant academy will meet the cost of any fee charged.
- 4.2.6. Each academy reserves the right to withdraw the right for staff to self-certify sickness absence in exceptional circumstances e.g. on notification of an Ofsted visit.

### 4.3. Ill health which does not lead to absence from work

- 4.3.1. There may be occasions where a member of staff is suffering from ill health, but this does not lead to the staff member being absent from work. If the staff member believes that their ill health is impacting upon their ability to undertake their job they should raise this with their line manager.
- 4.3.2. The line manager should discuss the matter confidentially with the staff member, review the workplace risk assessment and discuss whether any additional support can be provided to the staff member to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance from the Occupational Health (OH) service. See section 4.6.regarding Employee Support.

### 4.4. Reasonable adjustments

- 4.4.1. If a member of staff has a long-term health problem, it may be that they will meet the definition of disability used in the Equality Act 2010. The Act gives employment protection if they have 'a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. The definition of disability is wide and covers people with a range of conditions.
- 4.4.2. The Act imposes a duty on employers to make 'reasonable adjustments' if the premises or employment arrangements substantially disadvantage a disabled person compared with a non-disabled person. Reasonable adjustments might include:

## Empathy, Honesty, Respect, Responsibility

- adaptations to the premises and/or working practices e.g. holding meetings in ground floor rooms
- modifying the way in which a job is structured
- changing particular duties within a role
- providing retraining or redeployment to another post
- allowing time off for rehabilitation

### 4.5. Stress related illness

- 4.5.1. A great deal of publicity has been given to work-place related stress and the management of such absence. There is a common-law duty in every contract of employment that the employer will take care of employees' health, safety and welfare - a poorly managed response to stress-related absence could conceivably result in the individual's condition being exacerbated, causing a long term health issue, or the individual failing to return to work.
- 4.5.2. The Health and Safety Executive (HSE) is clear that ill health resulting from work-related stress should be treated in the same manner as ill health arising from physical causes in the workplace. The definition of stress adopted by the HSE is as follows: *'The reaction people have to excessive pressures or other types of demands placed upon them; it arises when people feel they cannot cope.'*
- 4.5.3. More information on the effects of stress and the circumstances in which stress could manifest are in **Appendix 2**.
- 4.5.4. The Trust has in place a stress risk assessment tool that can review individual situations and agree measures to reduce the risk of stress on an individual's health.

### 4.6. Employee support

- 4.6.1. The Occupational Health service can be used proactively to support ill health, and employees can request a referral to the service for support and advice throughout their employment.
- 4.6.2. In addition each academy offers access to face to face counselling sessions. These sessions (up to 6) are available throughout an individual's employment and details can be found in staff planners and the online staff handbook. The OH service may recommend these sessions or staff can self-refer.
- 4.6.3. In order to support a return to work or prevent an employee having a period of prolonged absence, the relevant academy will also consider funding sessions to other health professionals. Usually the OH service will recommend referral, and the particular academy will agree a course of action, or a number of funded sessions (for example; physiotherapy or chiropractor). Each case is considered on its individual circumstances.

## 5. Return to work meetings

- 5.1. Upon return to work following any absence the line manager should arrange to meet privately with the member of staff during their first day back, or as soon as possible on their return. The purpose of the meeting will be to:
  - welcome the member of staff back to work
  - ensure that there is an accurate record of the absence and appropriate certification
  - ensure the staff member is fit and able to return to work
  - discuss with the member of staff any support/adjustments that can be put in place to assist the staff member to remain in the workplace
  - update the member of staff of any work issues
- 5.2. The line manager will need to establish if there was an occupational factor which contributed to the sickness absence and assure the member of staff that any work-related issues will be addressed. The line manager should give assurances of their concern for the staff member's welfare, balanced with their concerns about the delivery of education and the impact on other staff members.
- 5.3. A record of the meeting should be made (see **Appendix 3**). The completed form should be returned to HR for filing.

## 6. Dealing with frequent short term absence

6.1. Where an employee's absence level meets one of the following trigger points, the line manager should review the attendance level with the member of staff:

- where a member of staff has been absent due to sickness (certified or uncertified) on three separate occasions within any three consecutive calendar month period
- 25 points or more over a rolling six month period in accordance with the following formula:

Number of occasions of sickness x number of occasions of sickness x total number of calendar days absent (including Saturdays and Sundays)

Examples:

1 absence of 7 days in total	equals	7 points	(1x1x7)
2 absences of 4 days in total	equals	16 points	(2x2x4)
3 absences of 3 days in total	equals	27 points	(3x3x3)
4 absences of 7 days in total	equals	112 points	(4x4x7)

6.2. In the majority of cases an attendance review meeting should be held with the member of staff to discuss the attendance record, explore the reasons for the absence, identify areas for support, review/update any risk assessment and set targets for improvement. The line manager will need to determine if there is an occupational reason that contributed to the absence. A work colleague or Trade Union representative may accompany the member of staff.

6.3. In some cases an attendance review meeting may not always be necessary if the line manager (in discussion with HR) is satisfied that the absences are already being managed appropriately and the line manager is fully aware of the issues or the situation is due to a one-off/unusual situation and that attendance levels will improve.

6.4. Staff are encouraged to discuss with their line manager any conflict they have between their work commitments and demands on their personal lives. The line manager should discuss the options available, including those provided under Flexible Working and Family Leave policies.

6.5. The following outcomes may apply:

- staff may be required, in future absences, to submit a medical certificate from their doctor for every instance of absence
- advice may be sought from the Occupational Health Service
- other support mechanisms may be identified and implemented
- reasonable adjustments such as changes to the workload, work practices, hours of work or work patterns
- a further meeting may be arranged to review progress

6.6. The member of staff should be informed of the improvement needed in his/her attendance and warned of the possible consequences if this is not achieved. The outcome of this meeting will be confirmed in writing, with a copy placed on their HR file.

6.7. If there is insufficient improvement in the staff member's attendance record the line manager should seek advice from HR and this may lead to ill-health capability action. See section 10.

## 7. Dealing with long-term absence

7.1. Absences lasting over two weeks are considered long-term.

7.2. The line manager should, in appropriate circumstances, arrange to meet with the member of staff on a regular basis. The meeting may take place at a suitable venue, either the staff member's home, or their academy, whichever is appropriate. The purpose of the meeting is to discuss and be up-dated on the progress of the illness; the intentions/timescales for returning to work; identify areas of support; determine whether any other action should be taken and up-date the staff member on any significant work issues. A Trade Union representative, work colleague or friend may accompany the member of staff. The line

## Empathy, Honesty, Respect, Responsibility

manager should write to the staff member confirming the meeting, the points discussed and any actions identified.

- 7.3. HR advice should be sought to support long-term absence meetings.
- 7.4. Where it is expected that a period of sickness absence will be ongoing and will continue for more than eight weeks, advice should be sought as soon as possible from the Occupational Health service. This is a guide only and in some cases an Occupational Health referral may be appropriate even where it is not known that absences will be ongoing. Equally, a referral may not be necessary in all cases even where absence is expected to continue for more than eight weeks. A judgement will be made, based on the circumstances of each case. The purpose of gaining Occupational Health advice will be to provide an indication of the likely duration of the staff member's absence and whether any steps can be taken to help the member of staff make a successful return to work.
- 7.5. One of more of the following actions may apply:
  - reasonable adjustments such as changes to the workload, work practices, hours of work or work patterns may be identified and implemented, either as part of phasing the staff member back to work or on a more permanent basis (see 8.9)
  - other support mechanisms may be identified and implemented
  - temporary or permanent redeployment to other duties with no salary/grade protection
  - part-time working
  - investigations may take place into whether the employee may be eligible for ill health retirement pension benefits
  - a follow up meeting should be arranged
- 7.6. Where the employee's work has caused or contributed to the staff member's illness, the issues must be fully explored by the line manager and steps should be taken to ensure that they are addressed preferably before the staff member returns to work. (See section 4.5 regarding stress related absences).
- 7.7. Any decisions being contemplated should be discussed with the member of staff and his/her representative, if applicable, before any decisions are made.
- 7.8. Progress will be kept under review with regular meetings with the member of staff. As part of this process, decisions may need to be made about the employee's continuing employment, which could lead to the decision to dismiss the staff member due to his/her capability to undertake their job because of their ill health. (See section 11).

## 8. Conducting Attendance Review Meetings

- 8.1. Meetings for both short and long-term sickness absence should be conducted in a sympathetic, constructive manner. The purpose of the meeting is to establish the facts and circumstances of the member of staff's sickness absence and, if deemed appropriate, develop a joint remedial strategy.
- 8.2. A meeting should be conducted by the member of staff's line manager or, having regard to any potential or pre-existing conflict between the member of staff and their line manager, a member of senior leadership. If the member of staff wishes, they may be accompanied at the meeting by a Trade Union representative or work colleague or friend. Meetings with staff regarding sickness need to be handled with due care and by staff with appropriate skills. If line managers have any doubts, they should contact HR.
- 8.3. The structure of the meeting will, by its very nature, vary depending on individual circumstances and length of illness. Long and short term absence review meetings are generally treated slightly differently:
- 8.4. Short term absences
  - 8.4.1. Absence review meetings are held for short term absences when individuals have met 'trigger points'.
  - 8.4.2. Meetings to address and provide support for short term absences are described in Section 6. Should there be no improvement in attendance after support is provided the employer may move to a second stage of the formal review process. This meeting should include the following elements:
    - an explanation by the line manager of the reasons why the meeting is being held

## Empathy, Honesty, Respect, Responsibility

- verification of the dates of sickness absence/s and the nature of the illness or the cause of the sickness absences
- agreeing, if appropriate, that an improvement in the member of staff's sickness record is necessary
- identifying possible courses of action to obtain such an improvement. Examples of such action could be seeking medical advice or opinion, reviewing the responsibilities and duties of the post, reviewing workload, reviewing the working environment or considering if redeployment could be beneficial
- agreeing with the member of staff any future remedial action and the period over which the remedial action will be reviewed. The remedial action and the review period agreed must be confirmed in writing. The line manager is then responsible for a review taking place at the appropriate time and the necessity for further action being evaluated as a result of the improvement/worsening over the review period
- confirmation in writing of the agreed remedial actions and review period. If no significant improvement is achieved and maintained during the review period, ill health capability action may follow, the result of which could be, or could lead to, dismissal

### 8.5. Long term absences

8.5.1. The nature of review meetings for long term absences are different and will reflect the specific condition and individual circumstances. Generally long term absence meetings will be review meetings and opportunities for the individual to update their academy on their condition.

8.5.2. The meeting should include the following elements:

- an explanation by the line manager of the reasons why the meeting is being held
- a discussion about the medical information available and the prognosis
- agreement from the individual to meet with an Occupational Health professional or advice on the Employee Assistance Programme
- an opportunity to update the member of staff on any relevant academy business, without causing the individual undue stress or pressure
- identifying possible courses of action to support the individual in returning to work. Examples could be, reviewing the responsibilities and duties of the post, reviewing workload, reviewing the working environment or considering if redeployment could be beneficial. This will be within the context of any medical information received
- agreeing with the member of staff a review period and arranging a follow up meeting
- confirmation in writing of any agreed actions.

8.6. Where a member of staff has a serious condition or terminal illness they should be treated with greater sensitivity and sympathy and not subjected to rigorous absence monitoring procedures. Long-term sickness absence does require that the academy considers additional action. Contact should be maintained with a member of staff on long-term sickness absence.

8.7. *With* the permission of the member of staff, contact can be maintained by home visits where the member of staff has difficulty with attendance for a meeting at the academy. Where this is not possible the line manager should explore the reasons why, the use of a third party to make contact, and the use of other premises for interviews.

8.8. Consideration should also be given to the likely duration of the sickness absence, and its impact on the effective and efficient operation of the academy. If appropriate, and after medical advice has been obtained and discussed with the individual, consideration could be given to transfer, temporary or permanent redeployment to other duties with no salary/grade protection or to part-time working.

### 8.9. Phased return to work

8.9.1. The Principal, following consultation with the Occupational Health service, has the discretion to allow a member of staff who returns to work after a major illness to return on a part-time basis (without any reduction in pay) for such a period as seems appropriate.

8.9.2. A phased return to work would usually only be considered to support a member of staff after a long term absence, or as advised by the Occupational Health service.

- 8.9.3 At an absence review meeting where a phased return is discussed the length of the phased return, the work pattern, duties and pay arrangements will be discussed and, where possible, agreed.

## **9. Referral for medical examination**

- 9.1. A medical review provided by an Occupational Health practitioner can assist in establishing the exact nature of the member of staff's illness. Estimating the likely duration of the illness; the impact of a staff member's ill health on his/her ability to undertake his/her duties; what measures can be put in place to support the staff member and determining the likelihood of the staff member returning to their current post, having regard to his/her medical condition and the requirements of their current post.
- 9.2. Referral of a member of staff for a medical review might be considered under the following circumstances:
- where a member of staff has been continuously absent on sick leave for eight weeks
  - where a member of staff meets one of the specified trigger points
  - notwithstanding the application of the above criteria, if a line manager has well-founded concerns regarding the health or welfare of any individual member of staff, they may be considered for a referral for a medication examination
- 9.3. A member of the HR team will initiate a referral to the Occupational Health service.
- 9.4. Employees need to ensure that they attend occupational health meetings in order to enable the line manager to support the member of staff and correctly manage attendance.
- 9.5. Upon receipt of an Occupational Health report the line manager (with appropriate HR support) should arrange to meet the member of staff to discuss the report and the way forward.
- 9.6. Should the Occupational Health practitioner decide to continue to review the staff member's progress then the line manager will need to ensure that the Occupational Health service is appraised of the staff member's progress and any action that has been taken in the interim period.

## **10. Sickness absence leading to ill-health capability action – Short term absence**

- 10.1. Where an employee's ill health prevents them from fulfilling their job role the relevant academy may consider terminating the employee's employment contract. Ill-health capability action must only take place when at least one attendance review meeting has taken place and no significant improvement has been demonstrated over the agreed review period. Ill-health capability action should always take place in those circumstances, unless exceptional reasons exist.
- 10.2. If, as documented in the attendance review meeting, and the subsequent review period, there is a failure to improve attendance a formal meeting should be held with the employee. This meeting must:
- review the number and reasons for absences during the review period
  - ensure any support agreed has been put in place
  - explore any factors or underlying reasons for the absences
  - explore ways in which the employer can support the employee further
- 10.3. This formal meeting can result in a disciplinary warning (refer to the Disciplinary Policy for further guidance) if there is no significant improvement in attendance. During this meeting a further review period must be set and the following considered:
- seek further medical advice on the ways in which the employer can support the employee, if appropriate;
  - remove the employee's right to self-certify their sickness absence and advise the employee they must produce a doctor's note for each occasion of absence;
- 10.4. This must be confirmed in writing, outlining any formal warnings and any agreed actions. The employee must be made aware that their employment may be at risk if there is no sustained or substantial improvement in their sickness absence record.
- 10.5. An ill-health capability hearing imposing a review period as a disciplinary sanction must, at the same time, arrange a further hearing to take place on the last working day of the review period.



This further hearing should take place if no significant improvement is demonstrated over the review period, with dismissal following, or if considered appropriate, a further review period forming a part of any other sanction being imposed by the formal hearing.

- 10.6. Before a final ill-health capability hearing is arranged a meeting with the staff member should take place to discuss the various options available. A formal hearing must take place with the staff member involving a panel of Governors where the recommendation to dismiss should be considered and a decision is made.
- 10.7. The format of an ill-health capability hearing will be the same as a disciplinary hearing. The disciplinary policy outlines further information regarding dismissal hearings, including notification timescales, information to be provided and the format for the hearing itself.
- 10.8. Disciplinary action might also be considered where there are reasonable grounds for believing that the absence results from a dishonest claim to be ill and is therefore an abuse of the sick pay scheme.

## **11. Sickness absence leading to ill-health capability action – Long term absence**

- 11.1. Where an employee's ill health prevents them from fulfilling their job role the relevant academy may consider terminating the employee's employment contract.
- 11.2. Before considering this step the particular academy should take into account medical advice and opinion, the success of any phased return to work, any possible change in role (e.g. change in responsibility) and any other reasonable adjustments.
- 11.3. The relevant academy may also consider a redeployment opportunity; however there is no requirement to create a role for an individual. See **Appendix 4** regarding redeployment.
- 11.4. Where termination of employment is a consideration the line manager and an HR representative will meet with the individual. The individual can be accompanied by a Trade Union representative, work colleague or friend to this meeting.
- 11.5. Ill health retirement
  - 11.5.1. Where a member of staff wishes to be considered for ill health retirement the relevant academy will support their application to the relevant pension scheme.
  - 11.5.2. The application (to be considered for ill health retirement) will be based on the rules and procedures of the relevant pension scheme. The academy has no influence over this process, other than to provide requested information.
  - 11.5.3. The Teachers' Pension Scheme and the Local Government Pension Scheme have different tiers of ill health retirement benefits. Employees are advised to seek advice on their scheme and the implications on any future career plans, before applying for ill health retirement benefits.
  - 11.5.4. Where an application has been successful this effectively means that the individual is considered medically unfit for work, and at the earliest opportunity (on a mutually agreed date) the individual's employment contract with the academy will end, by reason of resignation/retirement.
  - 11.5.5. Should an application for ill health be declined the individual should refer to the appeal procedures relevant to their pension scheme.
- 11.6. Ill-health capability hearing
  - 11.6.1. If an individual is not a member of a pension scheme, or doesn't qualify for ill health retirement benefits then their academy may move to an ill-health capability hearing to consider terminating the individual's employment on the basis of their ill-health capability.
  - 11.6.2. Before a hearing is convened the relevant academy must be satisfied that there is sufficient medical information for the panel to consider. The member of staff should have been examined by the Occupational Health service on at least one occasion, with the resulting prognosis being uncertain and/or the estimated recovery or return to work of the member of staff being uncertain or lengthy to the extent that the academy cannot reasonably be expected to wait any longer for the member of staff to return to work.

## Empathy, Honesty, Respect, Responsibility

- 11.6.3. Wherever possible other information required to consider a dismissal will include information on applications for ill health retirement, any specialist's reports as well as Occupational Health reports. In all cases HR should advise the line manager before considering a dismissal.
- 11.6.4. Before a hearing is arranged a meeting with the staff member should take place to discuss the various options available. A formal hearing must take place with the staff member involving a panel of Governors where the recommendation to dismiss should be considered and a decision is made.
- 11.6.5. The format of an ill-health capability hearing will be the same as a disciplinary hearing. The disciplinary policy outlines further information regarding dismissal hearings, including notification timescales, information to be provided and the format for the hearing itself.
- 11.6.6. If a member of staff is dismissed on the grounds of ill health, they will be entitled to receive contractual notice or statutory notice and the right to appeal against the decision to terminate their employment. The decision will be confirmed in writing, outlining the notice period and how to appeal against the decision.

### **12. Appeals against the decision of an ill-health capability hearing**

- 12.1. Any appeal should be lodged in writing by the appellant with the Appeals Committee within 10 working days of receiving written notification of the outcome of the ill-health capability hearing. The written appeal should explain the basis of the appellant's appeal. The academy and the appellant (or representative) may each prepare a statement explaining the basis of their case.
- 12.2. Any appeal against the decision of the original ill-health capability hearing action can only be heard by an appeals committee. The committee must be made up of three Governors who have had no prior involvement in the case.
- 12.3. Sufficient notice should be given of the date and time of the appeal hearing (10 working days). Should the appellant and their representative fail to attend, the hearing may proceed in their absence at the discretion of the committee.
- 12.4. The case of the Academy should be made first and cross-examined. Where appropriate, witnesses should then be called to present evidence and be cross-examined. The case of the appellant is then made in the same way. Both parties should be asked to sum up and then retire whilst the case is considered.
- 12.5. The parties should be called back and the decision announced by the chair and confirmed in writing.
- 12.6. Where the Academy intends to hear an appeal, they are advised to contact the HR Director to make them aware of the situation and take any necessary advice. The Principal and governors will need to be clear about procedures and governors may need more advice on appeal hearing decisions, to ensure consistency of approach. For these reasons, the academy is advised to have their HR Director present at appeal hearings, to advise on matters of policy and procedure.

### **13. Roles and responsibilities**

- 13.1. The role of the Principal
  - 13.1.1. The role of Principal is to ensure that this policy is applied fairly and consistently across the academy.
  - 13.1.2. The Principal, with the assistance of other Senior Leadership colleagues, will review sickness absence information as an indicator of the organisation's health and staff wellbeing.
  - 13.1.3. The Principal, will delegate to the HR Director the responsibility for absence management practices and procedures.
- 13.2. The role of the Directors/Governors
  - 13.2.1. The Directors/Governors have a duty of care towards the health and safety of all employees, ensuring that each academy is a staff place to work.

## Empathy, Honesty, Respect, Responsibility

- 13.2.2. The Board of Directors will approve and review the attendance management policy.
- 13.2.3. The Local Governing Body will monitor and evaluate policies in line with statutory and best practice guidelines.

### 13.3. The role of HR

- 13.3.1. The HR team are responsible for arranging the OH provider, making referrals or other appointments.
- 13.3.2. The HR team is responsible for relevant administration, monitoring and reporting processes. This includes communication of the absence processes to staff (e.g. notifying procedures).
- 13.3.4. The HR team will monitor attendance and contact line managers where there are concerns about an employee's attendance. HR will provide support and training for managers in respect of absence management processes.
- 13.3.5. The HR team will provide management reports on attendance levels.
- 13.3.6. The HR team will provide training, advice and guidance to new leaders and managers in undertaking Return to Work meetings, Attendance Review meetings and any other practices relevant to this policy.
- 13.3.7. The HR Director is responsible for the service level agreement and quality of the external services used in relation to absence management.

### 13.4. The role of SLG/line managers

- 13.4.1. Line managers at all levels within each academy have a responsibility both to the members of staff they directly line manage and to the workforce as a whole. This responsibility means ensuring, for the welfare of staff and also the wider best interests of each academy, that sickness absence and the reasons for such sickness absence are identified and monitored
- 13.4.2. In all cases sickness absence must be treated sensitively, consistently and with confidentiality
- 13.4.3. Line managers are expected to conduct return to work meetings with all staff returning from a period of absence. (Training will be provided). Meeting should be held within 48 hours of a return to form, with completed forms returned to HR within one week of the meeting.

### 13.5. The role of the employee/other staff

- 13.5.1. Attend work unless unfit to do so.
- 13.5.2. Raise concerns with their line manager if they believe that their job is making them ill or contributing to illness.
- 13.5.3. Report sickness absence, and work-related accidents requiring time off, promptly, in accordance with the attendance procedure.
- 13.5.4. Ensure that the appropriate certifications are completed, in accordance with the procedure.
- 13.5.5. Maintain contact and communicate effectively with their line manager (or named other manager) during periods of sickness absence.
- 13.5.6. Attend meetings requested by the employer in order to enable the employer to support the member of staff and correctly manage attendance.
- 13.5.7. Co-operate fully with the Occupational Health (OH) Service and other organisations that provide support to the Trust and its employees.
- 13.5.8. Ensure that where support/adjustments are put in place they co-operate fully with their line manager to enable the member of staff to continue to attend the academy.
- 13.5.9. Ensure that medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.
- 13.5.10. Not abuse the attendance procedure or sick pay scheme.

## 14. Monitoring and Evaluation

- 14.1. All sickness absences will be recorded and all staff will be invited to a return to work interview.

## Empathy, Honesty, Respect, Responsibility

- 14.2. All sickness absences will be monitored to ensure compliance to the policy and to ensure that the policy is fit for purpose.
- 14.3. An annual report that includes data relating to sickness absence will be produced for Directors/Governors.
- 14.4. This policy should be reviewed as below, to ensure compliance to legislation, trust/academy needs, budgetary information, national and local terms of employment and good practice.

## **Appendix 1 – Notification of absence of work**

- a) On the first day of absence, the member of staff should notify, or ensure notification to, their line manager or other designated contact before a designated time. (Please check with the HR Team in each academy for timings). When making this call, the member of staff should inform their line manager of the reason for the absence, and if possible give an estimate of the length of the absence, along with any other information regarding work-related matters that could be affected by the absence so that the line manager can make cover arrangements.
- b) Staff should follow any local arrangements for cover work. This is documented in the staff handbook.
- c) On the fourth calendar day of absence (or earlier if unable to return on notified day of return to work) the member of staff should again contact their line manager (or other named contact) before the start of the academy day informing them of the continuing absence, and if possible, giving an estimate of the duration of the likely absence and reason for the absence. The fourth calendar day of absence may not be a working day for part-time staff.
- d) On the eighth calendar day of absence (or earlier if unable to return on notified day of return to work) the member of staff should again contact their line manager before the start of the academy day informing them of the continuing absence.
- e) Staff should continue regular contact with their line manager, at least weekly, unless otherwise agreed. Staff are also required to contact their line manager, as reasonably requested.
- f) Whenever possible, staff are required to notify their absence by speaking directly with their line manager by telephone before the start of their duty. Academies do not accept e-mail as a form of contact but only to the designated email address. Texting or email to a personal email address or contact number is not acceptable.
- g) Exceptionally, if the staff member is unable to telephone in person, they must arrange for someone else to telephone on their behalf within the timescales above. The staff member must make direct contact with their line manager as soon as possible thereafter.
- h) If the staff member believes that their sickness absence may have been caused by their work or something that happened at work, they should inform their line manager of this and arrange for an Accident Report Form to be completed, if required. The line manager should take steps to determine the cause or aggravating factors.

## Appendix 2 – Stress at Work

Stress, in itself, is not synonymous with ill health. A certain degree of pressure, change and challenge will be inevitable within any school and working environment. There is, however, a distinction between acceptable stress which can sustain motivation and the wholly unacceptable stress which results from excessive workplace pressures. Intensive, prolonged or cumulative exposure to such pressures can result in negative physical, emotional and behavioural effects on members of staff.

These effects can include:

- i. Reduced morale and commitment to work
- ii. Physical and/or mental ill health
- iii. Poor judgement
- iv. Poor relationships with colleagues

Common physical symptoms of stress include:

- i. Raised heart rate
- ii. Increased sweating
- iii. Headaches
- iv. Dizziness
- v. Blurred vision
- vi. Aching neck and shoulders
- vii. Skin rashes
- viii. A lowered resistance to infection
- ix. A tendency to drink and smoke more
- x. Sleeping difficulties
- xi. Poor concentration
- xii. Difficulty in dealing calmly with normal tasks and situations

Members of staff will respond to different types of pressure in different and individual ways. Responses will depend on personality types, experience and the support available from line managers, colleagues and friends. Whilst there is no simple means of predicting situations that will engender unacceptable levels of stress, leaders and line managers should be particularly aware of circumstances where:

- i. pressures pile up on top of each other or are prolonged
- ii. members of staff feel trapped or are unable to exert sufficient control over the demands placed upon them
- iii. members of staff are confused by conflicting demands made of them

Employers have no legal responsibility to mitigate the effects of stress caused by problems outside work, however such stress can affect performance and leaders and line managers should endeavour to take an understanding approach. A consistently operated attendance management policy which monitors a significant number of short term absences and uses return to work meetings and attendance review meetings will help in the identification of non-work related stress. In addition, the Directors/Governors have a responsibility to ensure that all staff are treated fairly and consistently and that bullying and harassment are not tolerated.

Leaders and line managers should have access to training and support in order to enable them to take effective action in managing stress related absence. The HR team can arrange counselling sessions for members of staff suffering from stress where this is deemed appropriate. Whatever strategies are employed to combat stress, confidentiality and equity are key to their success.

**Appendix 3 – Return to work discussion****RETURN TO WORK MEETING**

Name of Academy			
Member of Staff			
Person conducting interview			
Absence start date (include part worked days):		Date returned to work:	
Reason for absence			
Absence procedures followed	YES/NO *	Date of RTWM:	
<b>Area</b>		<b>Comments</b>	
<b>Welcome back</b> – remind staff that this discussion is standard practice after any period of absence to talk about things missed whilst they were absent.			
<b>Enquire about health</b> –Confirm the member of staff is fit to return to work. (Generally in good health or appropriate medical information). Explore reasons for absence and whether they are now fit to resume their duties and any potential future or continuing health problems.			
<b>Support</b> – Have they suffered with this illness previously? (Provide details). Discuss any preventative action or other adjustments the Academy or the member of staff needs to take to ensure continued attendance. Consider Occupational Health referral for advice.			
<b>Additional information</b> – Is there any other information the Academy should be aware of in relation to your illness or recovery? Is there a likelihood of reoccurrence?			
<b>Future attendance</b> – It should be made clear that the Academy expects the highest levels of attendance. Make aware previous absences or patterns of absence. Where appropriate the member of staff should be advised that further absences may result in a more formal approach, or it may be necessary to inform the member of staff that their absence rate now requires a formal meeting to be arranged to discuss further.			
Signed Member of Staff			
Signed Person conducting interview			

\* If the correct notification procedures were not followed then ensure that you have reminded the member of staff who to contact and by when. Failure to follow agreed procedures may be considered as a disciplinary matter.

## Appendix 4 – Redeployment

- a. If following the processes described in section 11.3., the employee expresses a wish to be redeployed, the academy should meet with the member of staff to look at opportunities.
- b. Redeployment could be to a similar role with less responsibility, or to a new role. There is no requirement to create a vacancy, nor to change essential requirements of a vacant post to meet the employee's skills or experience.
- c. If redeployment is not deemed to be a realistic possibility, the academy may consider terminating the individual's employment – see section 11.6.
- d. Redeployment can only be realistic if, based on medical evidence; the employee is fit to undertake alternative or different work. For example, an employee who has received confirmation that they are not fit to undertake any work or is not fit to continue to teach, they cannot be considered for redeployment.
- e. Redeployment is only likely to be successful in those cases where there is a medical opinion that the employee can be expected to fulfil all the requirements of the job, including those relating to sickness absence.
- f. If redeployment is deemed to be realistic, the employee may apply for a role at any time within their employment. In normal circumstances redeployment is usually through a competitive process. The Multi Academy Trust does not have a redeployment 'pool' and will communicate all vacancies via email and the website. Any employee who meets the essential requirements of the role will be guaranteed an interview.
- g. If successful, the employee will be subject to a trial period. The provisions relating to trial periods that apply to employees seeking redeployment because their job has been declared redundant apply to medical redeployments. See below:

### Trial period

- The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract. The effect of the trial period is to give the employee a chance to decide whether the new job is suitable and improves their health and attendance.
- The four-week trial period can be extended for retraining purposes by agreement, confirmed in writing. This will specify the date on which the trial period ends and sets out the employee's terms and conditions after it ends. If the employee works beyond the end of the four week period or the jointly agreed extended period the employee will be deemed to have accepted the new employment. Employers should communicate this to the employee when the alternative job offer is made. The employer should also use the trial period to assess the employee's suitability.
- Should the employer wish to end the new contract within the four weeks for a reason connected with the new job, the employee will revert to the absence management process. A meeting will be held, under section 11.6, of the policy to determine next steps.
- Should the trial period prove successful, the employee will be subject to the usual performance management, or probationary policy and procedures in their new role.
- There will be no salary or grade protection in respect of redeployment to a different post. The terms and conditions will be those of the new post.